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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 17 February 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

On 14 March 2008, the United Nations General Assembly adopted at its sixty-second session resolution 62/243, entitled "The situation in the occupied territories of Azerbaijan".

By paragraph 8 of the resolution, the General Assembly requested the Secretary-General to submit to the General Assembly at its sixty-third session a comprehensive report on the implementation of the resolution.

In view of this provision, Member States were requested to provide relevant information on the matter. Azerbaijan responded to this request by submitting the relevant documents covering a wide range of issues pertaining to the conflict between Armenia and Azerbaijan. This written contribution by Azerbaijan included among others the document entitled "Support by States Members of the United Nations and international organizations to Azerbaijan's position on the conflict in and around the Nagorny Karabakh region of Azerbaijan" (see annex).

Insofar as the existing page limit requirement prevents the content of this document from being reflected in the report of the Secretary-General, I should be grateful if you would have the present letter and the aforementioned document circulated as a document of the General Assembly, under agenda items 13 ("Protracted conflicts in the GUAM area and their implications for international peace, security and development") and 18 ("The situation in the occupied territories of Azerbaijan") of its sixty-third session, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Annex to the letter dated 17 February 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Support by States Member of the United Nations and international organizations to Azerbaijan's position on the conflict in and around the Nagorny Karabakh region of Azerbaijan

The statements and documents are given in a chronological order corresponding to occupation of the territories of Azerbaijan starting with the accession of the Republic of Azerbaijan to the United Nations and consideration of the conflict by the Security Council in the first quarter of 1992.

The **Organization of the Islamic Conference** has been consistently taking the principled position regarding the illegal use of force against the sovereignty and territorial integrity of Azerbaijan and occupation of its territories. Since the evolution of the issue, the OIC has explicitly determined the actions of Armenia on the territory of Azerbaijan as the **aggression by the former against the sovereignty and territorial integrity of Azerbaijan** and included this issue as the permanent item on its agenda. Vast number of the OIC decisions and resolutions on the conflict between Armenia and Azerbaijan and individual support of Member States of this Organization have been instrumental in addressing occupation of the territories of Azerbaijan by the international community and in particular by the United Nations General Assembly and the Security Council.

On 12 May 1992, in response to the occupation of **Shusha** on 9 May 1992 – the last Azerbaijani populated district in the Nagorny Karabakh region of Azerbaijan – the **Security Council** adopted its first **Presidential Statement** on the conflict. The Council welcomed the dispatch by the United Nations Secretary-General of the fact-finding mission and referred to the United Nations Charter principles pertaining to the peaceful settlement of disputes and the non-use of force. Subsequent occupation of the **Lachin** region of Azerbaijan on 14 May 1992, adjacent to Nagorny Karabakh and bordering Armenia, prompted a series of reaction.[1]

The **United States** Department of State declared on 21 May 1992 that the United States "will not accept unilateral changes in the status of Nagorny-Karabakh, Nakhichevan, or any other territory by military actions or violence".[2]

In its **Statement** of 23 May 1992 the Ministry of Foreign Affairs of the **Russian Federation** made it clear that "No current circumstances can permit the State to resort to the annexation of foreign territory. No one can count on the support of Russia for such unlawful actions".[3]

In its **Statement** of 22 May 1992 the **European Community** declared that "the Community and its Member States condemn in particular ... any actions against territorial integrity or designed to achieve political goals by force, including the driving out of civilian population".[4]

[1] S/23904.
[2] S/24053.
[3] *Ibid.*
[4] A/47/227.

The **North Atlantic Council** stated on 22 May 1992 that "Any action against Azerbaijan' or any other State's territorial integrity or to achieve political goals by force would represent a flagrant and unacceptable violation of the principles of international law and CSCE". The Council called for taking "immediate steps to de-escalate the conflict, including withdrawal from occupied areas".[5]

In the **Statement** by the **President of the United Nations Security Council** of 6 April 1993 the Security Council "expresse[d] its serious concern at the deterioration of relations between the Republic of Armenia and the Republic of Azerbaijan, and at the escalation of hostile acts in the Nagorny-Karabakh conflict, especially the invasion of the Kelbadjar district of the Republic of Azerbaijan by local Armenian forces". The Council "demand[ed] the immediate cessation of all such hostilities, which endanger peace and security of the region, and the withdrawal of these forces". "In this context, the Security Council, reaffirming the sovereignty and territorial integrity of all States of the region and the inviolability of their borders, expresse[d] its support for the CSCE peace process" and "request[ed] the Secretary-General, in consultation with the CSCE, to ascertain facts, as appropriate, and to submit urgently a report to the Council containing an assessment of the situation on the ground".[6]

The **United Nations Secretary-General's Report** submitted to the Security Council, in particular its paragraph 10, determined that "The intensification of fighting in and around Nagorny-Karabakh, especially the recent attacks against the Kelbadjar and Fizuli districts of Azerbaijan, poses a serious threat to the maintenance of international peace and security in the entire Transcaucasus region..". According to the Report, "It is clear ... that there has been a major outbreak of fighting in various locations in Azerbaijan, outside the enclave of Nagorny-Karabakh. Reports of the use of heavy weaponry, such as T-72 tanks, Mi-24 helicopter gunships and advanced fixed wing aircraft are particularly disturbing and would seem to indicate the *involvement of more than local ethnic [Armenian] force*" (emphasis added).[7]

The **United Nations Security Council resolution 822 (1993)** adopted in response to the occupation of **Kelbadjar region** of Azerbaijan, reaffirmed the respect for sovereignty and territorial integrity of all states in the region, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory. The Council demanded the immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan. It also reaffirmed that all parties are bound to comply with principles and rules of international humanitarian law.

At the second summit of the **Economic Cooperation Organization**, held in Istanbul on 6-7 July 1993, the Heads of States or Governments of Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkey, Turkmenistan, and Uzbekistan adopted the **Statement** in which they condemned the continuation of the Armenian aggression against Azerbaijani territories and the escalation and widening of hostilities towards Agdam, Fizuli, Jabrail, Gubatli and Agdere regions of Azerbaijan. Reaffirming the principle of

[5] S/24053.
[6] S/25539.
[7] S/25600.

inadmissibility of acquisition of territory by force and non-use of force for gaining political advantages, the participating states called upon the international community to use its influence over Armenia for putting an end to this aggression.[8]

The **CSCE Chairman of the Minsk Conference** in its **Report** submitted for consideration by the United Nations Security Council in response to the occupation on 23 July 1993 of the **Agdam region** clearly indicated that Agdam posed no serious military threat to Nagorny Karabakh. The CSCE Chairman, on behalf of the nine members of the CSCE Minsk Group, condemned the seizure of Agdam, as an act that cannot be justified on self-defense grounds and that contradicts the commitment to a peaceful settlement of the conflict. He further spelled out that those who encourage the Armenian community of the Nagorny Karabakh [region of Azerbaijan] to continue the fighting and the encroachment on the surrounding territories share responsibility for the continuing loss of Armenian lives and destruction of the Armenian economy.[9]

In its **resolution 853 (1993)** the **United Nations Security Council** reaffirmed the sovereignty and territorial integrity of Azerbaijan and demanded the immediate, unconditional and complete withdrawal of all occupying forces involved from the Agdam region and all other recently occupied areas of Azerbaijan. The Council urged States to refrain from the supply of any munitions and weapons which might lead to an intensification of the conflict or the continued occupation of the territory.

The 17 August 1993 **Statement** by the Ministry of Foreign Affairs of **Turkey** expressed its deep concern over the continued occupation of the territories of Azerbaijan in defiance of the Security Council resolutions and CSCE peace process. It underlined that if there is a desire for peace, stability and cooperation in the region, then the use of force should be avoided and the immediate, complete and unconditional withdrawal of Armenian forces from all occupied Azerbaijani territories should be secured.[10]

In the **Presidential Statement** of 18 August 1993 the **United Nations Security Council** condemned the attacks on the **Fizuli region** from the Nagorny Karabakh region of Azerbaijan. The Council demanded the immediate, complete and unconditional withdrawal of occupying forces from the area of Fizuli, and from the Kelbadjar and Agdam regions and other recently occupied areas of Azerbaijan. The Council strongly reaffirmed its calls for States to refrain from supplying any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of the territory of Azerbaijan. The Council called upon the **Government of Armenia** to ensure that the forces involved are not provided with the means to extend their military campaign still further.[11]

On 29 August 1993, the Minister for Foreign Affairs of the **Islamic Republic of Iran** addressed the **letter** to the United Nations Secretary-General informing him on the new and critical stage in the escalation of the conflict caused by the ongoing offensives by the

[8] S/26067.
[9] S/26184.
[10] S/26324.
[11] S/26326.

Armenian forces against the territory of the Republic of Azerbaijan. In the light of Iran's experience in mediation in the area and in view of its knowledge of the complex issues involved, the Minister believed that in order to curb the spread of the war and achieve a just solution it was essential that the United Nations took immediate and effective measures to implement Security Council resolutions 822 (1993) and 853 (1993) and decisively compel the aggressive forces to accept a cease-fire and to withdraw to the internationally recognized borders.[12]

The **Statement** by the **European Community and its Member States** of 6 September 1993 condemned the recent offensives by local Armenian forces in Nagorny Karabakh resulting in deeper and deeper incursions into Azerbaijani territories. They noted with regret that such actions were extending the area of armed conflict to encompass more and more of the Azerbaijani territory and were creating a very serious refugee problem in Azerbaijan and one already involving neighboring countries, with a concomitant threat to regional security. The Community and its Member States reaffirmed their support for the territorial integrity and sovereignty of the States in the region. The Community and its Member States called upon Armenia to ensure that the local Armenian forces carrying out offensives in Azerbaijan territory were not given the material means of further extending such offensives.[13]

Statement of 7 September 1993 by the Official Spokesman of the Ministry of External Affairs of the Government of **India** on the conflict between Armenia and Azerbaijan over Nagorny Karabakh pointed out that the Government of India followed with great concern the escalation of hostilities in and around Nagorny Karabakh with the considerable ingress of Armenian forces into Azerbaijan. The Government of India appealed to the parties concerned urgently to take the remedial steps required to respect international borders, to restore peace and to resolve mutual differences through early peaceful negotiations.[14]

In its **resolution 874 (1993)** of 14 October 1993 the **United Nations Security Council** reaffirmed the sovereignty and territorial integrity of Azerbaijan, the inviolability of its international borders, the inadmissibility of the use of force for the acquisition of territory and that the Nagorny Karabakh region is inalienable part of Azerbaijan. The Council expressed its grave concern at the human suffering the conflict has caused and at the serious humanitarian emergency and the displacement of large numbers of civilians in Azerbaijan. The Council, *inter alia*, called for withdrawal of occupying forces from the occupied territories of Azerbaijan and requested the Secretary-General and relevant international organizations to assist refugees and displaced persons to return to their homes in security and dignity.

The Permanent Representative of **Turkey** to the United Nations in his **letter** of 27 October 1993 addressed to the President of the United Nations Security Council stated that "at a time when H.E. Margaretha af Ugglas, Chairperson of the CSCE, was paying the visit to the region in order to promote a dialogue between the interested parties, the Armenian forces initiated a new and large-scale attack on the Zangelan region of Azerbaijan and the town of

[12] S/26387.
[13] S/26417.
[14] S/26421.

Horadis. As a result of this new Armenian aggression, the city of Zangelan remained besieged by the Armenian forces and the alarming reports indicate that the inhabitants of Zagelan, in addition to tens of thousands of Azerbaijanis who had been encircled near the Iranian border, are desperately striving to evacuate the city in order to reach safer areas. It had become clear that, despite serious warnings of the Security Council and all the efforts of the CSCE Minsk Group, Armenia persisted to control close to 20% of the Azerbaijani territories it had occupied and was determined to continue its aggressive policy against Azerbaijan".[15]

The Spokesman of the Ministry of Foreign Affairs of **Turkey** in the **Statement** of 27 October 1993 in connection with the attacks on the city of Horadiz and Zangelan region of Azerbaijan emphasized that "not only the countries of the region, but the international community as well must, without further delay, react against the ongoing Armenian aggression, which is being carried out in blatant violation of the relevant Security Council resolutions and CSCE principles. In an attempt to halt Armenian aggression, as a first step, the logistical supply enabling the continuation of the Armenian attacks must be cut off and other necessary enforcement measures, including sanctions, should be adopted by the international community at once".[16]

The Deputy Permanent Representative of the Islamic Republic of **Iran** to the United Nations in his **letter** dated 28 October 1993 addressed to the President of the United Nations Security Council expressed its "extreme concern about the fresh Armenian military offensives and continued occupation of the territories of Azerbaijan. Local Armenian forces, supported by forces of the Republic of Armenia, are grabbing more lands as they push deeper inside the territory of Azerbaijan. The recent military operations have already resulted in significant casualties and so far, 30.000 citizens of Azerbaijan, fleeing their homes, have entered the territory of the Islamic Republic of Iran seeking safe refugee. The Islamic Republic of Iran reaffirms full support for the sovereignty and territorial integrity of Azerbaijan and underlines the importance of respect for the cease-fire and the immediate withdrawal of all Armenian forces from the entire occupied territory of the Republic of Azerbaijan".[17]

The European Union in its **Statement** dated 9 November 1993 concerning Nagorny Karabakh condemned the breach of cease-fire agreement reached on 24 October 1993 in the region of Nagorny Karabakh and called upon all forces to withdraw from recently occupied territories. The EU reiterated the importance it attached to the territorial integrity and sovereignty of the Republic of Azerbaijan, in accordance with the principles of the CSCE. The EU was particularly concerned at the fate of tens of thousands of civilians who had been fleeing the fighting and pledged to continue its humanitarian aid to the affected population.[18]

The **Chairman of the CSCE Minsk Conference** in his **letter** addressed on behalf of the nine Minsk Group countries (**Germany, United States of America, Belarus, France, Italy, Russian Federation, Sweden, Czech Republic and Turkey**) to the President of the United

[15] S/26650.
[16] S/26665.
[17] S/26662.
[18] S/26728

Nations Security Council condemned the seizure of the territories of Azerbaijan by force and defined that such actions constitute unacceptable violations of the CSCE principle of non-use of force and undercut their efforts to find a peaceful solution to this conflict. They also condemned the looting, burning and destruction of villages and towns, which cannot be justified under any standards of civilized behavior. The nine countries declared that no acquisition of territory by force can be recognized, and occupation of territory cannot be used to obtain international recognition or to impose a change of legal status and requested the unilateral withdrawal from the occupied territories of Azerbaijan.[19]

Complete occupation of the **Zangilan region** of Azerbaijan and the **city of Horadiz** and the expulsion of all Azerbaijani population considerably worsened the humanitarian situation in Azerbaijan and impelled the **United Nations Security Council** to respond again. The Council in its **resolution 884 (1993)** reaffirmed the sovereignty and territorial integrity of Azerbaijan and condemned the occupation of the Zangilan region and the city of Horadiz, and the attacks on civilians and bombardments of territory of the Republic of Azerbaijan. The Council demanded the unilateral withdrawal of occupying forces from the occupied Zangilan region and the city of Horadiz and from other recently occupied territories of Azerbaijan and requested the Secretary-General and relevant international agencies to provide urgent humanitarian assistance and to assist refugees and displaced persons to return to their homes in security and dignity.

"Noting with alarm that the humanitarian situation in Azerbaijan has continued to deteriorate seriously..., and that the number of refugees and displaced persons in Azerbaijan has recently exceeded one million", the **United Nations General Assembly** in its **resolution 48/114** entitled "**Emergency international assistance to refugees and displaced persons in Azerbaijan**" "urgently appeale[d] to all States, organizations and programmes of the United Nations, specialized agencies and other intergovernmental and non-governmental organizations to provide adequate and sufficient financial, medical and material assistance to the Azerbaijani refugees and displaced persons".

The **Statement** of the President of the **United Nations Security Council** of 26 April 1995 basically reaffirmed the essence of the Council's previous resolutions on the matter.[20]

The OSCE Chairman-in-Office in his **Statement** at the OSCE Lisbon Summit of 1996 outlined the three principles which should form part of the settlement of the Nagorny Karabakh conflict, which were recommended by the Co-Chairmen of the Minsk Group. These principles were supported by all OSCE participating States, except for Armenia. They are:

- territorial integrity of the Republic of Armenia and the Republic of Azerbaijan;
- legal status of Nagorny Karabakh defined in an agreement based on self-determination which confers on Nagorny Karabakh the highest degree of self-rule within Azerbaijan;
- guaranteed security for Nagorny Karabakh and its whole population, including mutual obligations to ensure compliance by all the Parties with the provisions of the settlement.

[19] S/26718
[20] S/PRST/1995/21

On 29 October 2004, the **United Nations General Assembly** decided to include the item entitled **"The situation in the occupied territories of Azerbaijan"** to the agenda of its 59th session. The Assembly's consideration of this agenda item played a crucial role in attracting attention to the issue of the illegal transfer of settlers into the occupied territories of Azerbaijan, as well as in initiating urgent measures for putting this dangerous practice to an end.

On 7 September 2006, the **United Nations General Assembly** adopted without a vote **resolution 60/285** entitled **"The situation in the occupied territories of Azerbaijan"** in regard to the incidents of massive fires taken place in the occupied territories. The resolution stressed the necessity of the urgent conduct of the environmental operation, called for assessment of the short-term and long-term impact of the fires on the environment of the region and its rehabilitation. For these purposes, the resolution emphasized the readiness of the parties to cooperate and called upon the organizations and programs of the United Nations system, in particular the United Nations Environment Program to cooperate with the OSCE.

The European Union in the **Action Plan of the European Neighbourhood Policy** set ambitious objectives based on mutual commitments of the EU and its Member States and Azerbaijan to common values, including the respect of and support for the sovereignty, territorial integrity and inviolability of internationally recognized borders of each other and compliance to international and European norms and principles as well as support for effective implementation of political, economic and institutional reforms.

In the **NATO Riga (2006) and Bucharest (2008) Summits' Declarations** the NATO Member States underlined their "... support to the territorial integrity, independence, and sovereignty of Armenia, Azerbaijan, Georgia and Republic of Moldova..".

The Embassy of **Japan** in Azerbaijan in response to the so-called "presidential elections" held in the Nagorny Karabakh region in 2007 by the illegal separatist regime established in the occupied territories of Azerbaijan stressed that "it is important to settle the conflict in a peaceful way basing on a principle of the territorial integrity of the Republic of Azerbaijan within the internationally recognized borders".

The **European Union** in response to the so-called "presidential elections" held in the Nagorny Karabakh region of Azerbaijan in 2007 issued the **Statement** in which it "underlined that EU does not recognize the independence of Nagorno-Karabakh. Neither does it recognize the legitimacy of these 'presidential elections', which should not have any impact on the peaceful settlement of the Nagorno-Karabakh conflict. Furthermore, the EU recalls that refugees and internally-displaced persons should be given the right to a safe, secure and dignified return of their homes in order to fully participate in electoral acts".

Mr. Liu Jianchao, Foreign Ministry Spokesman of **China**, in response to the so-called "presidential elections" held in the Nagorno-Karabakh region of Azerbaijan in 2007 emphasized that "the Chinese Government respects the independence, sovereignty and territorial integrity of the Republic of Azerbaijan, supports the UN Security Council's resolutions on Nagorno-Karabakh Region".

H.E. Mr. Bernard Kouchner, Minister of Foreign and European Affairs of **France**, in his **letter** of April 2008 addressed to his Azerbaijani counterpart stressed that "France has always supported, supports and will support the territorial integrity of Azerbaijan... As a consequence of this support to the territorial integrity of Azerbaijan, France has never, in the past, considered Nagorno-Karabakh as an independent state. This position remains unchanged. Moreover, France does not recognize the independence of Nagorno-Karabakh, notwithstanding with the results of the solutions of other conflicts elsewhere".

On 14 March 2008, the **United Nations General Assembly** adopted at its 62nd session **resolution 62/243** entitled **"The situation in the occupied territories of Azerbaijan"**. Seriously concerned that the armed conflict in and around the Nagorny Karabakh region of the Republic of Azerbaijan continued to endanger international peace and security, the General Assembly reaffirmed its continued strong support for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders, demanding the immediate, complete and unconditional withdrawal of all Armenian forces from all occupied territories of the Republic of Azerbaijan. At the same time, the Assembly reaffirmed the inalienable right of the population expelled from the occupied territories to return to their homes. It has been also recognized the necessity of providing normal, secure, and equal conditions of life for Armenian and Azerbaijani communities in the Nagorny Karabakh region of the Republic of Azerbaijan, which would allow to build up an effective democratic system of self-governance in this region within the Republic of Azerbaijan. The General Assembly also reaffirmed that no State shall recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining this situation.

At the meeting of the **Presidents of Armenia, Azerbaijan and the Russian Federation** in Moscow on 2 November 2008, they signed the **Declaration** stating that "the settlement of the conflict should be based on the norms and principles of international law and the decisions and documents adopted in this framework", which indisputably implies the United Nations General Assembly and Security Council resolutions on the conflict.